

Moved by Smith (24)

Seconded by Hart

IN THE HOUSE OF REPRESENTATIVES
HOUSE AMENDMENT TO H.B. NO. 541

AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 41 through 43, and insert:
"The state of Idaho shall establish the legal presence of persons from those states known to issue driver's licenses or identity credentials to illegal aliens prior to issuing an Idaho driver's license."

AMENDMENT TO SECTION 2

On page 3, in line 9, delete "color" and insert: "~~color~~"; and delete lines 11 and 12, and insert: "is made. The department shall use a color photograph, unless the department determines that using a black and white photograph is as effective as a color photograph for identification purposes. The"; delete lines 19 through 21, and insert: "medical condition of the licensee. Machine readable information included in the two-dimensional bar code shall contain no other information about the person other than the person's full legal name and the human readable information printed on the card including"; following line 25, insert:

"(3) No person shall utilize a one-to-many facial recognition searching technology to search the driver's license database of photographs, unless under the authority of a court order related to a specific crime or in an investigation of a specific crime when the alleged perpetrator is a flight risk and a court order will be timely sought."; in line 26, delete "(3)" and insert: "(4)"; in line 29, delete "(4)" and insert: "(45)"; in line 35, delete "(5)" and insert: "(56)"; and in line 44, delete "(6)" and insert: "(67)".

AMENDMENT TO THE BILL

On page 3, following line 49, insert:

"SECTION 3. That Section 49-2444, Idaho Code, be, and the same is hereby amended to read as follows:

49-2444. IDENTIFICATION CARD ISSUED -- FOUR-YEAR OR EIGHT-YEAR. (1) The department shall issue a distinguishing identification card which shall set forth the information contained in the application, in a form as prescribed by the department. All identification cards issued on or after January 1, 1993, shall not contain the applicant's social security number. An applicant's social security number shall be exempt from disclosure except for inquiries from agencies or institutions authorized to obtain such information by federal law or regulation, from peace officers or from jury commissioners. Each card shall have printed on it the applicant's full name, date of birth, Idaho residence address, sex, weight, height, eye color, hair

1 color, and shall be issued a distinguishing number assigned to the appli-
2 cant. Each card shall also have printed on it the name of this state, the date
3 of issuance, and the date of expiration. An identification card shall not be
4 valid until it has been signed on the signature line by the applicant. Each
5 card shall bear upon it a ~~color~~ photograph of the applicant which shall be
6 taken by the examiner at the time of application. The department shall use
7 a color photograph, unless the department determines that using a black and
8 white photograph is as effective as a color photograph for identification
9 purposes. The photograph shall be taken without headgear or other clothing
10 or device that disguises or otherwise conceals the face or head of the ap-
11 plicant. A waiver may be granted by the department allowing the applicant to
12 wear headgear or other head covering for medical, religious or safety pur-
13 poses so long as the face is not disguised or otherwise concealed. At the
14 request of the applicant, an identification card may contain a statement or
15 indication of the medical condition of the applicant. Machine readable in-
16 formation included in the two-dimensional bar code shall contain no other
17 information about the person other than the person's full legal name and the
18 human readable information printed on the card including any code identi-
19 fiers used to organize such data. No identification card shall employ any
20 device or technique that can transmit information to any distance from the
21 identification card without the express consent or voluntary participation
22 of the identification card bearer.

23 No person shall receive an identification card unless and until he sur-
24 renders to the department all identification cards in his possession issued
25 to him by Idaho or any other jurisdiction, or any driver's license issued by
26 any other jurisdiction within the United States, or until he executes an af-
27 fidavit that he does not possess an identification card or any driver's li-
28 cense.

29 Identification cards issued to persons under eighteen (18) years of age
30 shall include a notation "under 18 until (month, day, year)," and identifi-
31 cation cards issued to persons eighteen (18) years of age to twenty-one (21)
32 years of age shall include a notation "under 21 until (month, day, year)."
33 The nonrefundable fee for a four-year identification card issued to persons
34 twenty-one (21) years of age or older shall be ten dollars (\$10.00) of which
35 five dollars (\$5.00) shall be retained by the county and credited to the cur-
36 rent expense fund, and five dollars (\$5.00) shall be deposited in the state
37 treasury to the credit of the highway distribution account. The nonrefund-
38 able fee for identification cards issued to persons under twenty-one (21)
39 years of age shall be ten dollars (\$10.00), of which five dollars (\$5.00)
40 shall be retained by the county and credited to the current expense fund, and
41 five dollars (\$5.00) shall be deposited in the state treasury to the credit
42 of the highway distribution account. The nonrefundable fee for an eight-
43 year identification card shall be twenty dollars (\$20.00) of which ten dol-
44 lars (\$10.00) shall be retained by the county and credited to the current ex-
45 pense fund, and ten dollars (\$10.00) shall be deposited in the state treasury
46 to the credit of the highway distribution account. At the option of the ap-
47 plicant, the identification card issued to a person twenty-one (21) years of
48 age or older shall expire either on the cardholder's birthday in the fourth
49 year or the eighth year following issuance of the card, except as otherwise
50 provided in subsection (3) of this section. Every identification card is-

1 sued to a person under eighteen (18) years of age shall expire five (5) days
2 after the person's eighteenth birthday, except as otherwise provided in sub-
3 section (3) of this section. Every identification card issued to a person
4 eighteen (18) years of age but under twenty-one (21) years of age shall ex-
5 pire five (5) days after the person's twenty-first birthday, except as oth-
6 erwise provided in subsection (3) of this section.

7 Individuals required to register in compliance with section 3 of the
8 federal military selective service act, 50 U.S.C. App. 451 et seq., as
9 amended, shall be provided an opportunity to fulfill such registration
10 requirements in conjunction with an application for an identification
11 card. Any registration information so supplied shall be transmitted by the
12 department to the selective service system.

13 (2) Every identification card, except those issued to persons under
14 twenty-one (21) years of age, shall be renewable on or before its expiration,
15 but not more than twelve (12) months before, and upon application and payment
16 of the required fee.

17 (3) Every identification card issued to a person who is not a citizen or
18 permanent legal resident of the United States shall have an expiration date
19 that is the same date as the end of lawful stay in the United States as indi-
20 cated on documents issued and verified by the department of homeland secu-
21 rity, provided however, that the expiration date shall not extend beyond the
22 expiration date for the same category of identification card issued to citi-
23 zens. Persons whose department of homeland security documents do not state
24 an expiration date shall be issued an identification card with an expiration
25 date of one (1) year from the date of issuance.

26 (4) When an identification card has been expired for less than twelve
27 (12) months, the renewal of the identification card shall start from the
28 original date of expiration regardless of the year in which the application
29 for renewal is made. If the identification card is expired for more than
30 twelve (12) months, the application shall expire, at the option of the
31 applicant, on the applicant's birthday in the fourth year or the eighth
32 year following reissuance of the identification card, except as otherwise
33 provided in subsection (3) of this section.

34 (5) A person possessing an identification card who desires to donate
35 any or all organs or tissue in the event of death, and who has completed a
36 document of gift pursuant to the provisions for donation of anatomical gifts
37 as set forth in chapter 34, title 39, Idaho Code, may, at the option of the
38 donor, indicate this desire on the identification card by the imprinting of
39 the word "donor" on the identification card. The provisions of this subsec-
40 tion shall apply to persons possessing an identification card who are six-
41 teen (16) years of age or older but less than eighteen (18) years of age if
42 the requirements provided in chapter 34, title 39, Idaho Code, have been com-
43 plied with.

44 (6) A person possessing an identification card or an applicant for an
45 identification card who is a person with a permanent disability may request
46 that the notation "permanently disabled" be imprinted on the identification
47 card, provided the person presents written certification from a licensed
48 physician verifying that the person's stated impairment qualifies as a
49 permanent disability according to the provisions of section 49-117, Idaho
50 Code.

(7) In the case of a name change, the applicant shall provide legal documentation to verify the change in accordance with department rules.

(8) Whenever any person, after applying for or receiving an identification card, shall move from the address shown on the application or on the identification card issued, that person shall, within thirty (30) days, notify the transportation department in writing of the old and new addresses.

(9) The department shall cancel any identification card upon determining that the person was not entitled to the issuance of the identification card, or that the person failed to give the required and correct information in his application or committed fraud in making the application. Upon cancellation, the person shall surrender the canceled identification card to the department.

(10) If any person shall fail to return to the department the identification card as required, the department may direct any peace officer to secure its possession and return the identification card to the department.

(11) The department may issue a no-fee identification card to an individual whose driver's license has been canceled and voluntarily surrendered as provided in section 49-322(4), Idaho Code. The identification card may be renewed at no cost to the applicant as long as the driver's license remains canceled.

(12) It is an infraction for any person to fail to notify the department of a change of address as required by the provisions of subsection (8) of this section.

(13) The state of Idaho shall establish the legal presence of persons from those states known to issue driver's licenses or identity credentials to illegal aliens prior to issuing an Idaho identification card.

(14) No person shall utilize a one-to-many facial recognition searching technology to search the identification card database of photographs, unless under the authority of a court order related to a specific crime or in an investigation of a specific crime when the alleged perpetrator is a flight risk and a court order will be timely sought."

CORRECTION TO TITLE

On page 1, delete lines 3 through 7, and insert: "CODE, TO PROVIDE THAT THE STATE OF IDAHO SHALL ESTABLISH THE LEGAL PRESENCE OF CERTAIN PERSONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-315, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PHOTOGRAPHS, TO PROVIDE PROVISIONS RELATING TO CERTAIN MACHINE READABLE INFORMATION"; in line 8, delete "CODES"; in line 9, delete "AND" and insert: ","; in line 10, following "PARTICIPATION" insert: "AND TO PROVIDE THAT NO PERSON SHALL UTILIZE CERTAIN SEARCHING TECHNOLOGY TO SEARCH A DATABASE AND TO PROVIDE FOR EXCEPTIONS; AND AMENDING SECTION 49-2444, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PHOTOGRAPHS, TO PROVIDE PROVISIONS RELATING TO CERTAIN MACHINE READABLE INFORMATION AND TO PROHIBIT THE USE OF CERTAIN DEVICES OR TECHNIQUES THAT CAN TRANSMIT CERTAIN INFORMATION, TO PROVIDE FOR CONSENT OR VOLUNTARY PARTICIPATION, TO PROVIDE THAT THE STATE OF IDAHO SHALL ESTABLISH THE LEGAL PRESENCE OF CERTAIN PERSONS, TO PROVIDE THAT NO PERSON SHALL UTILIZE CERTAIN SEARCHING TECHNOLOGY TO SEARCH A DATABASE AND TO PROVIDE FOR EXCEPTIONS".